

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

4/30/20
Motion filed
Donald C. Nugent

GARY BRACK, R.N.

Plaintiff,

vs.

ARMOND BUDISH, *ET AL.*,

Defendants.

Case No. 1:19-cv-01436-DCN

Judge Donald C. Nugent

**PLAINTIFF'S UNOPPOSED MOTION TO DISMISS THE OFFICIAL-CAPACITY CLAIMS AGAINST
DEFENDANTS BUDISH, MILLS, AND LEIKEN AND THE CIVIL-CONSPIRACY CLAIM AGAINST
DEFENDANT CUYAHOGA COUNTY**

Under Fed. R. Civ. P. 41(a)(2), Plaintiff respectfully asks the Court to

- (1) Dismiss with prejudice the official-capacity claims against Defendants Armond Budish, Ken Mills, and Earl Leiken, each party to bear his costs (retaining all individual-capacity claims against each, and retaining the claims against the County); and
- (2) Dismiss with prejudice the civil-conspiracy claim against Defendant Cuyahoga County contained in Claim 12, each party to bear his or its own costs (retaining the civil-conspiracy claims against Defendants Budish, Mills, and Leiken).

These claims were the subject of a portion of Defendant Cuyahoga County's motion for partial dismissal (ECF #33). The undersigned has conferred with the County's counsel, who agrees to the requested relief.